

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, solely in its capacity as  
Trustee for the MORGAN STANLEY  
STRUCTURED TRUST I 2007-1,

Plaintiff,

v.

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, as  
Successor-by-Merger to MORGAN  
STANLEY MORTGAGE CAPITAL INC.,

Defendant.

No. 14-CV-3020 (KBF)

**DECLARATION OF ROBERT K. KRY IN SUPPORT OF  
PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS AND  
RENEWED MOTION FOR SUMMARY JUDGMENT**

Robert K. Kry declares, pursuant to 28 U.S.C. § 1746:

1. I am a partner at MoloLamken LLP, counsel for Plaintiff Deutsche Bank National Trust Company, solely in its capacity as Trustee for the Morgan Stanley Structured Trust I 2007-1 (the “Trustee”) in the above-captioned case. I am admitted to practice before this Court. I submit this declaration in support of Plaintiff’s memorandum of law in opposition to the motion for judgment on the pleadings and renewed motion for summary judgment filed by Defendant Morgan Stanley Mortgage Capital Holdings LLC (“Morgan Stanley”).<sup>1</sup>

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<sup>1</sup> Certain exhibits have been filed under seal pursuant to the Stipulation and Order for the Filing Under Seal of Confidential Documented entered on May 5, 2017 (Dkt. 107).

2. Attached as Exhibit 1 is a true and correct excerpt of the transcript of the deposition of the Trustee's designated corporate representative pursuant to Federal Rule of Civil Procedure 30(b)(6), taken in this case on July 11, 2016.

3. Attached as Exhibit 2 is a true and correct copy of a spreadsheet, in which some columns have been hidden, that the Trustee produced natively in discovery under Bates stamp DBNTC\_MSSTI\_00010442.

4. Attached as Exhibit 3 is a true and correct copy of a spreadsheet, in which some columns have been hidden, that Morgan Stanley produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0003560.

5. Attached as Exhibit 4 is a true and correct copy of the corporate filing information for Aames Capital Corporation listed on the website for the California Secretary of State by searching for Entity Number "C1729815" at <https://businesssearch.sos.ca.gov>.

6. Attached as Exhibit 5 is a true and correct copy of the Company Overview of Aegis Mortgage Corporation published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=1345515>.

7. Attached as Exhibit 6 is a true and correct copy of the Company Overview of Decision One Mortgage Company, LLC published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=1062466>.

8. Attached as Exhibit 7 is a true and correct copy of the Company Overview of Fremont Investment & Loan published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=1993591>.

9. Attached as Exhibit 8 is a true and correct copy of the Company Overview of MILA, Inc. published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=22596065>.

10. Attached as Exhibit 9 is a true and correct copy of the Company Overview of New Century Mortgage Corporation published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=1657130>.

11. Attached as Exhibit 10 is a true and correct copy of the Company Overview of Option One Mortgage Corporation published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=951370>.

12. Attached as Exhibit 11 is a true and correct copy of the Company Overview of Wilmington Finance, Inc. published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=3570724>.

13. Attached as Exhibit 12 is a true and correct copy of the Company Overview of WMC Mortgage LLC published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=36670>.

14. Attached as Exhibit 13 is a true and correct excerpt of the transcript of the deposition of Francis Nicholas Telesca, taken in this case on April 13, 2016.

15. Attached as Exhibit 14 is a true and correct copy of an email, without the corresponding attachments, from Frank Telesca to Steven Shapiro, Sean Cawley, Michael Ortiz, and Jim McKeown, dated June 30, 2007, bearing Bates stamp MSM\_MSSTI\_20071\_0222237.

16. Attached as Exhibit 15 is a true and correct excerpt of the transcript of the deposition of Sean Cawley, taken in this case on March 31, 2016.

17. Attached as Exhibit 16 is a true and correct excerpt of the transcript of the deposition of James H. Aronoff, taken in this case on March 3, 2017.

18. Attached as Exhibit 17 is a true and correct excerpt of the transcript of the deposition of Morgan Stanley's designated corporate representative pursuant to Federal Rule of Civil Procedure 30(b)(6), taken in this case on January 19, 2017.

19. Attached as Exhibit 18 is a true and correct copy of the Company Overview of Thacher Proffitt & Wood LLP published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=121003>.

20. Attached as Exhibit 19 is a true and correct copy of the Company Overview of Cadwalader, Wickersham & Taft LLP published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=106720>.

21. Attached as Exhibit 20 is a true and correct copy of the Company Overview of Bear Stearns Asset Backed Securities I LLC published on the website of Bloomberg.com at <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=9369129>.

22. Attached as Exhibit 21 is a true and correct excerpt from the transcript of the deposition of Steven Jesse Shapiro, taken in this case on April 20, 2016.

23. Attached as Exhibit 22 is a true and correct copy of an email from Frank Telesca to Vickie Pruitt and Brian Vanscoy, dated March 5, 2008, bearing Bates stamps MSM\_MSSTI\_20071\_0417700 to MSM\_MSSTI\_20071\_0417705.

24. Attached as Exhibit 23 is a true and correct copy of an email from Anna Teytel to Judi Hubbard, dated August 13, 2007, bearing Bates stamps MSM\_MSSTI\_20071\_0337564 to MSM\_MSSTI\_20071\_0337571, and a true and correct copy of the attachment to that email, produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0337573.

25. Attached as Exhibit 24 is a true and correct copy of an email from Andrew Weiner to Eric Kaplan, Lisa Drew, and Anna Teytel, dated October 9, 2007, bearing Bates stamp MSM\_MSSTI\_20071\_0338159, and a true and correct excerpt of the attachment to that email, produced natively in discovery under Bates stamp MSM\_MSSTI\_20071\_0338160.

26. Attached as Exhibit 25 is a true and correct excerpt from the transcript of the deposition of Lisa Ann Drew, taken in this case on February 23, 2016.

27. Attached as Exhibit 26 is a true and correct copy of a letter from Steve Covington to Melissa Rossiter, dated July 3, 2013, bearing Bates stamps MSM\_MSSTI\_20071\_0348171 to MSM\_MSSTI\_20071\_0348176.

28. Attached as Exhibit 27 is a true and correct copy of a letter from Craig Cagney to Lauren Weinstein, dated March 3, 2016.

29. Attached as Exhibit 28 is a true and correct excerpt of an email from Adam C. Matheson to Lauren Weinstein, Justin Shur, Jeff Klein, and Brian J. Wagner, dated August 31, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

February 15, 2018  
New York, New York

Respectfully Submitted,



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*Attorney for Plaintiff Deutsche  
Bank National Trust Company, as  
Trustee for the Morgan Stanley  
Structured Trust I 2007-1*